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REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the amendments above and the remarks below.

Disposition of Claims

Claims 12-15, 18, and 24-27 are pending in this application. Claim 17 has been cancelled by this amendment. Claim 12 has been amended to more particularly claim what the applicant regards as the invention. Claim 25 is newly added. Claim 25 states that the oil recited in claim 12 is acetylated glyceride and the emulsifier recited in claim 12 is a polyoxyethylenated castor oil comprising 9 to 52 moles of ethylene oxide. No new matter has been added by any of these amendments.

Rejections under 35 U.S.C. §103

A. Claims 12-15, 17, 18, and 24 were rejected under 35 U.S.C. §103(a) as being obvious over Wong et al. (U.S. Patent No. 5,324,280). Claim 17 has been cancelled. Accordingly, rejection of this claim is moot. Reconsideration of the rejection of claims 12-15, 18, and 24 is respectfully requested.

The rejection is based solely on the Wong et al. patent, which does not disclose or teach a self-emulsifying drug formulation in a capsule comprising a progestogenic steroid, an oil, and an emulsifier selected from the group consisting of polyoxyethylenated castor oil, polyoxyethylene lauryl ether, polyoxyethylenated stearic acid, polyoxyethylenated stearyl alcohol, and polyoxyethylenated oleyl alcohol, as recited in claim 12.

In view of the above, claim 12 is not obvious over Wong et al. Withdrawal of the rejection of claim 12 over Wong et al. is respectfully requested. Claims 13-15, 18, and 24, because of their dependence from claim 12, are likewise patentable over Wong et al. Withdrawal of the rejection of these claims is respectfully requested.

B. Claims 12-15, 17, 18, and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lambert et al. (U.S. Patent No. 6,458,373) in view of Wong et al. Claim 17

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has been cancelled. Accordingly, rejection of this claim is moot. Reconsideration of the rejection of claims 12-15, 18, and 24 is respectfully requested.

Lambert et al. do not disclose or teach a self-emulsifying drug formulation in a capsule comprising a progestogenic steroid, an oil, and an emulsifier selected from the group consisting of polyoxyethylenated castor oil, polyoxyethylene lauryl ether, polyoxyethylenated stearic acid, polyoxyethylenated stearyl alcohol, and polyoxyethylenated oleyl alcohol, as recited in claim 12. Wong et al. also fail to overcome the deficiency in Lambert et al.

From the foregoing, claim 12 cannot be obvious over Lambert et al. in view of Wong et al. Withdrawal of the rejection of claim 12 over the combination of these references is respectfully requested. Claims 13-15, 18 and 24, because of their dependence from claim 12, are likewise patentable over the combination of Lambert et al. and Wong et al. Withdrawal of the rejection of these claims is respectfully requested.

Conclusion

The rejected claims have been amended and/or shown to be allowable over the prior art. Applicant believes that this paper is fully responsive to each and every ground of rejection cited by the Examiner in the Office Action dated July 28, 2005, and respectfully requests that a timely Notice of Allowance be issued in this case.

Please apply any charges or credits in connection with this filing to Deposit Account No. 50-3202 (Docket No. ARC 2556N1).

Respectfully submitted,

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